United Nations A/C.3/53/L.46

General Assembly

Distr.: Limited
12 November 1998

Original: English

Fifty-third session
Third Committee
Agenda item 110 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Andorra, Argentina, Australia, Austria, Bangladesh, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Central African Republic, Chile, Côte d'Ivoire, Cyprus, Denmark, Fiji, Finland, France, Germany, Greece, Ireland, Israel, Italy, Luxembourg, Monaco, Netherlands, Norway, Republic of Korea, San Marino, Sierra Leone, Slovakia, Spain and United Kingdom of Great Britain and Northern Ireland:
draft resolution

Question of enforced or involuntary disappearances

The General Assembly,

Guided by the purposes and principles set forth in the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenants on Human Rights[2] and the other relevant international human rights instruments,

Recalling its resolution 33/173 of 20 December 1978 concerning disappeared persons and its resolutions 46/125 of 17 December 1991, 49/193 of 23 December 1994 and 51/94 of 12 December 1996 on the question of enforced or involuntary disappearances,

Recalling also its resolution 47/133 of 18 December 1992 proclaiming the Declaration on the Protection of All Persons from Enforced Disappearance as a body of principles for all States,

Expressing concern that, according to the Working Group on Enforced or Involuntary Disappearances, the practice of a number of States can run counter to the Declaration,

Deeply concerned, in particular, by the intensification of enforced disappearances in various regions of the world and by the growing number of reports concerning the

[1] Resolution 217 A (III).
[2] Resolution 2200 A (XXI), annex.

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harassment, ill-treatment and intimidation of witnesses of disappearances or relatives of persons who have disappeared,

Convinced that further efforts are needed to promote wider awareness of and respect for the Declaration, and taking note in this regard of the report of the Secretary-General,[3]

Bearing in mind Commission on Human Rights resolution 1998/40 of 17 April 1998,[4]

1. *Reaffirms* that any act of enforced disappearance is an offence to human dignity and a grave and flagrant violation of the human rights and fundamental freedoms proclaimed in the Universal Declaration of Human Rights[1] and reaffirmed and developed in other international instruments in this field, as well as a violation of the rules of international law;

2. *Reiterates its invitation* to all Governments to take appropriate legislative or other steps to prevent and suppress the practice of enforced disappearances, in keeping with the Declaration on the Protection of All Persons from Enforced Disappearance, and to take action to that end at the national and regional levels and in cooperation with the United Nations, including through technical assistance;

3. *Calls upon* Governments to take steps to ensure that, when a state of emergency is introduced, the protection of human rights is ensured, in particular as regards the prevention of enforced disappearances;

4. *Reminds* Governments of the need to ensure that their competent authorities conduct prompt and impartial inquiries in all circumstances, whenever there is a reason to believe that an enforced disappearance has occurred in territory under their jurisdiction, and that, if allegations are confirmed, perpetrators should be prosecuted;

5. *Once again urges* the Governments concerned to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected;

6. *Encourages* States, as some have already done, to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered;

7. *Requests* all States to consider the possibility of disseminating the text of the Declaration in their respective national languages and to facilitate its dissemination in local languages;

8. *Notes* the action taken by non-governmental organizations to encourage implementation of the Declaration, and invites them to continue to facilitate its dissemination and to contribute to the work of the Subcommission on Prevention of Discrimination and Protection of Minorities;

9. *Expresses its appreciation* to the Working Group on Enforced or Involuntary Disappearances for its humanitarian work;

10. *Requests* the Working Group, in the continued exercise of its mandate, to take into account the provisions of the Declaration and to modify its working methods, if necessary;

11. *Recalls* the importance of the Working Group, the primary role of which is, as described in its reports, to act as a channel of communication between the families of disappeared persons and the Government concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated, and to ascertain whether

[3] A/53/304.

[4] See *Official Records of the Economic and Social Commission, 1998, Supplement No. 3* (E/1998/23).

such information falls under its mandate and contains the required elements, and invites the Group to continue to seek the views and comments of all concerned, including Member States, in preparing its report;

12. *Invites* the Working Group to identify obstacles to the realization of the provisions of the Declaration, to recommend ways of overcoming those obstacles and, in this regard, to continue a dialogue with Governments and relevant intergovernmental and non-governmental organizations;

13. *Further encourages* the Working Group to continue to consider the question of impunity, in close collaboration with the rapporteur appointed by the Subcommission and with due regard for relevant provisions of the Declaration;

14. *Requests* the Working Group to pay the utmost attention to cases of children subjected to enforced disappearance and children of disappeared persons and to cooperate closely with the Governments concerned to search for and identify those children;

15. *Appeals* to the Governments concerned, in particular those which have not yet replied to the communications transmitted by the Working Group, to cooperate fully with it and, in particular, to reply promptly to its requests for information so that, while respecting its working methods based on discretion, it may perform its strictly humanitarian role;

16. *Encourages* the Governments concerned to give serious consideration to inviting the Working Group to visit their countries so as to enable the Group to fulfil its mandate even more effectively;

17. *Expresses its profound thanks* to the many Governments that have cooperated with the Working Group and replied to its requests for information, and to the Governments that have invited the Group to visit their countries, asks them to give all necessary attention to the recommendations of the Group, and invites them to inform the Group of any action they take on those recommendations;

18. *Calls upon* the Commission on Human Rights to continue to study this question as a matter of priority and to take any steps it may deem necessary to the pursuit of the task of the Working Group and to the follow-up of its recommendations when it considers the report to be submitted by the Working Group to the Commission at its fifty-fifth session;

19. *Renews its requests* to the Secretary-General to continue to provide the Working Group with all facilities it requires to perform its functions, especially for carrying out missions and following them up;

20. *Requests* the Secretary-General to keep it informed of the steps he takes to secure the widespread dissemination and promotion of the Declaration;

21. *Also requests* the Secretary-General to submit to it at its fifty-fifth session a report on the steps taken to implement the present resolution;

22. *Decides* to consider the question of enforced disappearances, and in particular the implementation of the Declaration, at its fifty-fifth session under the sub-item entitled "Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms".